

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 523- Alcohol Possession by Minor (LSB 2294 SV)

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Fiscal Note Version - New

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**Description**

Senate File 523 allows a peace officer who has reasonable grounds to believe a person under legal age has consumed an alcoholic beverage in violation of Section 123.47, Code of Iowa, may request the person under legal age provide a sample of the person's breath for a preliminary screening test. If a person under legal age is 18 years and older refuses, they will be issued a citation and assessed a civil fine of \$100. If the person is under legal age and under the age of 18 and refused the test, they will be issued a citation and assessed a civil fine of \$50 and the peace officer will notify the person's custodial parent or legal guardian unless it is not in the best interest of the person. Of the moneys collected from the civil fine, if the State issues the citation, the money will be deposited into the General Fund. If the political subdivision issues the citation, the money is distributed by the clerk of district court to the political subdivision issuing the citation.

**Background**

- In FY 2006, there were 5,703 offenders convicted for under legal age possession of alcohol.
- In FY 2006, there were 4,217 complaints filed in juvenile court for under legal age possession of alcohol.
- The penalty for refusing the test (\$50 under age 18 and \$100 for those 18 years or older) is lower than the penalty for underage drinking (\$200). (The first offense violation of Section 123.47(3), Code of Iowa, is a scheduled fine of \$200.)
- The hourly rate for a District Associate Judge is \$62.06.
- The hourly rate for a Court Reporter is \$38.14.
- The hourly rate for a Court Attendant is \$20.87.

**Assumptions**

- Depending on local enforcement and prosecution practices, the civil fine will not necessarily reduce the number of juveniles and people age 18 to 20 from being charged with other offenses.
- Assumes that 50.0% of the offenders convicted for under legal age possession of alcohol in FY 2006 would refuse the breath test.
- Assumes that 50.0% of the complaints filed in juvenile court for under legal age possession of alcohol in FY 2006 would refuse the breath test.
- Assumes that 99.0% of the civil penalties issued would be written by local law enforcement.
- The cost per case for contesting a civil charge of refusing to be tested would be approximately \$70 per case. This includes 30 minutes of court time involving a District Associate Judge, court reporter, and court attendant, plus 30 minutes of Clerk of Court staff time (\$0.29 per minute) for case processing, date entry, and collections. There would also be a one-time Iowa Court Information System (ICIS) programming cost of \$5,000.
- Assumes that 10.0% of the people who refuse to provide a breath test will contest the charges in court.

## **Fiscal Impact**

The fiscal impact to the Judicial Branch would be approximately \$35,000.

The revenue increase to the General Fund would be approximately \$39,000.

The revenue increase to cities and counties would be approximately \$350,000.

## **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Judicial Branch

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/s/ Holly M. Lyons

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March 19, 2007

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.  
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